

# NEWINGTON TOWN PLAN AND ZONING COMMISSION

## Regular Meeting

September 22, 2010

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:05 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

### **I. ROLL CALL**

#### Commissioners Present

Commissioner Anest  
Commissioner Camerota  
Commissioner Hall  
Commissioner Pane  
Chairman Pruet  
Commissioner Schatz  
Commissioner Aieta  
Commissioner Lenares

#### Commissioners Absent

Commissioner Casasanta  
Commissioner Carragher

#### Staff Present

Ed Meehan, Town Planner

Commissioner Aieta was seated for Commissioner Casasanta.

### **II. PUBLIC HEARINGS**

None

### **III. PUBLIC PARTICIPATION** (relative to items not listed on the agenda-each speaker limited to two minutes.)

Scott Cohen, Representing Footprints Shoe Store: I've been working with Mr. Meehan for quite some time. Hard to believe that it is fifteen years already in our new location and since pretty much the beginning we have recognized that a lack of signage identifying Footprints is a safety hazard as well as a difficulty for our customers who tend to be a mature customer base, so we'd like to reduce some of the overflow of traffic, reduce some of the accidents caused by customer's recognizing our turn onto Costello Road too late and they are making a hard right turn from the extreme left lane, cutting across traffic. We've had countless requests from customers over the years to put signage there and I have let them know that we are working with the town to find a way of putting in signage that would meet the criteria which of course we are willing to do, whatever it takes.

Chairman Pruet: Good. Thank you. Anyone else from the public wishing to speak?

Ed Meehan: There is a letter from Mr. Cohen.

Commissioner Aieta: Just a question on this. Ed, what do we do with it now? I mean, we have someone come up, we have a request, we have some paper work, where do we fit it in discussing it, or do we have plans here?

Ed Meehan: Well, I'd like to discuss it with the Commission at your direction, when you want to put it on the agenda. I can do it under Staff or what.....

Commissioner Pane: Can you do it under Remarks by Commissioners, later in the meeting?

Ed Meehan: Whatever fits for you because I want to give you more background on this, and some history. Mr. Cohen mentioned fifteen years, but there is some history, trying to get a sign there and not being successful and I think we have another way of looking at it that may solve the problem so I'd like to discuss that with the Commission.

Chairman Pruet: Okay, we can discuss that under Communications and Reports.

#### **IV. MINUTES**

September 7, 2010 – Regular Meeting  
September 7, 2010 – Special Meeting

Commissioner Anest moved to accept the minutes of the September 7, 2010 Regular Meeting. The motion was seconded by Commissioner Pane.

Ed Meehan: The motion, having Frank moving a motion and seconding a motion. It says Mr. Aieta moved and Mr. Aieta seconded it.

Commissioner Hall: Number seven, he moved it and seconded it.

Ed Meehan: I just want to make sure that the motion is recorded, I thought Carol moved it and Frank seconded it.

Commissioner Aieta: Do you have the motion, Norine?

Norine Addis: No.

Commissioner Aieta: I don't remember. You have it in your notes?

Ed Meehan: Yes.

Commissioner Aieta: She made it and.....

Commissioner Anest: You made it and I seconded it.

Chairman Pruet: Okay, we will reflect that in the minutes.

Ed Meehan: We just can't have the same person doing both.

Chairman Pruet: The correction will be so noted. Any other corrections or deletions?

Commissioner Hall: I was not here, I did read the minutes, but I will be abstaining when it comes time because not being here is kind of a different flavor, but I did read them.

The vote was in favor of the motion with five voting YES and two abstentions (Hall, Camerota.)

Commissioner Pane moved to accept the minutes of the Special Meeting of September 7, 2010. The motion was seconded by Commissioner Anest. The vote was in favor of the motion, with five voting YES and two abstentions (Hall, Camerota.)

## **V. COMMUNICATIONS AND REPORTS**

### **A. 8-24 Waverly Drive Street Acceptance**

Ed Meehan: The Communication and Report listed on your agenda is the 8-24 Referral. This has come to the Commission from the Town Council. Waverly Drive is also known as Sunrise Estates subdivision, over behind the Department of Transportation on Griswoldville Avenue. The developer has petitioned to turn the street over to the town as a public street. It's in its fifth year of development. The Town Engineer has walked the street, I've been in his presence. The street is ready for acceptance, we will have to get at least a one year maintenance bond. There is still some touch up work to do based on the Town Engineer's punch list, but minor items, and we have received the warrantee deeds and those are going to be sent over to be reviewed by the Town Attorney's office. Under your direction, there is a motion to return a report to the Town Council on this street.

Commissioner Pane: Did they get all of the street trees in and everything?

Ed Meehan: Street trees we discussed last fall, they were put in, some property owners submitted letters that they didn't want them in front, but they moved them to the side. I think the biggest issue that we saw the last time down there was incomplete driveway aprons. I went through this afternoon, it looks like they just finished the paving in there. The Town Engineer wants to see the street go through at least one more winter.

Chairman Pruet: Okay, and if you want to address Footprints?

Ed Meehan: I can do it now certainly. This has a history that probably goes back since the store opened. Right away it was apparent that the public and customers were having a hard time getting to this location. The Development Commission tried to do a directory sign to bring other businesses onto the directory sign that is at the foot of the hill now, right underneath the T-Bowl sign. They couldn't get good participation and there were some issues under whether it meets the zoning criteria because other private businesses were on that sign. Based on the information that we have, the Costello Road sign that the town put up in '94 or '95 is partially on the T-Bowl property, and partially in the town right of way. I met with Mr. Cohen and his dad a year ago, trying to come up with another way of adding to that sign, or moving it, and we approached other businesses up on Costello Road. A couple of other businesses were interested in joining with Footprints and then we went to the owner of the T-Bowl property, asking them if we could use the existing location and raise the sign, make it higher. They were not acceptable to that, they did not want that to occur. So that was sort of put on the back burner. One of the businesses that would like to participate in a directory sign is Costello Industries. They have a small sign near the corner already, so that would be taken off and added to this directory. In talking with the Footprint folks they have offered a couple of design ideas that the Development Commission has talked about a little bit. The Development Commission has some money this year to re-letter the signs. If you look at them, they are very faded. We put new logos on but the lettering for Costello Road and other industrial park locations in town are faded and need to be repainted, but before we go forward with that, when Footprints come in about a month ago now, trying to bring this

back, the thought I had and I'd sort of like to bounce this off the Commission is if the sign was moved to the southerly side of Costello Road and placed in the town right of way, in a location that wouldn't be a safety hazard, as close to the property line, without going into the property line where Goodwill is, the Town would still have a presence in that directory sign, either the bottom of the top where.....

Commissioner Pane: It replaces that Costello sign that is there now. So that will eliminate that.

Ed Meehan: But I get the angle that I'm looking at, I think that the Development Commission will support this, because they want to see better signage. The Town has exempted itself from zoning and if it is in the town right of way, it is on town property. If the town felt that this was a safe location and the town still had a presence there with Costello Road Industrial Park sign, would there be a consideration that other private businesses could then locate as part of that directory sign? Our directory sign regulations in the zoning have a directory sign up to twelve feet high and you have to have at least two businesses to make it a directory sign, so we would need Footprints and Costello or Footprints and Eppco or somebody else, or it can just be left blank until other businesses join in. The sense that I had from talking to a couple of the businesses, they will probably wait and see what it looks like, and then they would come forward and want to join at that time.

Commissioner Pane: Then the problem is, there are only X amount of spots.

Ed Meehan: Well, a lot of the businesses aren't retail oriented, there's some that may want customers to go back there. I certainly agree with what Scott Cohen has said. It's a dangerous intersection. Not just the double rights coming across from Pane, but exiting out across the median. When you drive down the highway, at least every two weeks you will see glass scattered everywhere. There was an accident there last week. So something should be done to alert people going to Costello Road that it is coming up, and I think this directory sign may be the answer.

Commissioner Pane: What would you basically take the one that is existing there on that side, take it out and basically raise it up to add these extra spots.

Ed Meehan: I, you could move it to the southerly side, you could use the same sign, it would have to be repainted, I would think it would be more logical in my mind that the Town be on the lower part of the sign, because we are not having customers come to us, and the benefit of higher visibility should be on the private sector signs above it and the total height would be somewhere about twelve feet high. That would.....

Commissioner Pane: Are you talking about more than one, two, three, four, five spots on it?

Ed Meehan: That is yet to be determined. I think they just had this mock up done, but not more than twelve feet in total height, and it's a model that the businesses up at Budney Park, the corner of Budney and the Berlin Turnpike have asked the Development Commission to look into. We have an internally lit sign there in front of Floors Now, and Phillips Glass, and that is going through the process with the Town Council to release the park covenants, and if that does happen, then there is more flexibility in the signage. So, if the Commission thinks this, putting in the right of way on the south side fits within the purview of your regulations, it would still have to go through at least the review process and we would notify the abutters, so they would have input into it, and then follow the normal engineering process. That's the background on it.

Commissioner Aieta: The only concern, I think it's a great idea, is if you put it on the south side you have to make sure that you are not blocking people that are coming out to the turnpike, looking south to see if cars are coming. You would have to, if you are saying it is in the right of way, you just have to make sure that it works there.

Ed Meehan: We would have to do a site line study.....

Commissioner Aieta: Yeah, a site line study, I know coming out of there, you keep creeping out so you can see if someone is coming.

Commissioner Pane: It won't be able to be as close as the Costello sign is now. The Costello sign now is very close to the road. It's in the state right of way. It would have to be moved back.

Commissioner Aieta: Just as long as we don't block the sight lines, looking south for people coming out.

Commissioner Pane: I think it's an excellent idea and I think it's going to improve safety.

Chairman Pruet: Any other Commissioner comments? I think the consensus is, that we should go forward with this, for safety reasons and for good business practices too.

Ed Meehan: With that feedback, I'll work with Footprints, I'll share this with the Development Commission, they're already, they have talked about this over the years, and see if we can put something together to bring back to you.

Commissioner Hall: Are we supposed to do something with the 8-24 because we didn't vote on anything.

Chairman Pruet: We have a draft motion.....

Ed Meehan: You can do that anytime you want.

**8-24 Referral Report**  
**Waverly Drive Public Street Acceptance**  
**Report to Town Council**

Commissioner Pane moved that the Commission report to the Town Council its recommendation that the Town accept Waverly Drive as a public street with the following conditions:

1. Corrections of any defects as determined by the Town Engineer,
2. Submission of two sets of "as built" street plans and profile mylars for recording and certification of merestone placement,
3. Warranty deed for roadway extension and drainage easement, if applicable.
4. Maintenance Bond, amount to be determined by the Town Manager, for one (1) year from date of acceptance.

The motion was seconded by Commissioner Schatz.

Commissioner Hall: I have a question on number one Ed, corrections of any defects, you truly believe that they are pretty minor and can be taken care of pretty easily?

Ed Meehan: Yes, based on our last site walk there was some curbing that needed to be replaced and some sidewalk slabs and that pretty much has been taken care of, but I think we can go through one more winter to see if any utility holes show up, that would have to be fixed, similar to a frost season with it.

Commissioner Hall: And when is he going to determine the maintenance bond?

Ed Meehan: The maintenance bond at this point is about \$33,000.00. It's a little bit high, but we have that in a savings passbook, it's been the performance bond, but if the Town Engineer feels that is still the right amount, we will leave it at that, and convert it to a one year maintenance bond.

Chairman Pruet: Further comments?

The vote was unanimously in favor of the motion, with seven voting YES.

## **VI. NEW BUSINESS**

### **A. Zoning Enforcement Officer Report – Art Hanke**

Chairman Pruet: We have our Zoning Enforcement Officer, Art Hanke, welcome.

Art Hanke: Thank you.

Chairman Pruet: Maybe you can go over your report, and if we have any questions or concerns we can ask them at that time.

Art Hanke: The report is the August report. It is a report that is fairly straight forward, it's in bullet points on the enforcement actions and the last time I met with you, you had asked for, or requested that certain notes be made, so you will notice that some of them say, service request, that's where someone requested that I review something; some of them say, CEO complaints, that's where I discovered violations and then the remainder are basically complaints that were driven by someone calling in, or that came through the door, so to speak. I don't know exactly what issues you want to talk about, but that's the way it is set up, and we are noting, I hope to make it clear where some of the complaints are coming from, if they are a request, or whatever.

Chairman Pruet: What about the continuing, problematic violators, how are you handling those?

Art Hanke: Well, there are always problematic violators as we know. It takes convincing sometimes, to get them to comply. Now, we go through a series of notices, we go through conversations, direct visits sometimes, when the notices fail, first, second and third, and all else fails, then there is no recourse but to send it to Ben Ancona, the Town Attorney. He deals with it, but I think that one point should be made, and the point should be made that some of these are in a state of flux. They can be in compliance one week, and out of compliance three weeks later and/or three months later. So it's a continuing process, it isn't like you do it once and that's it. It continues.

Chairman Pruet: Have you had a chance to see Ben's ordinance that he submitted to the Town Manager yet? Any feedback on that?

Art Hanke: I had a brief discussion on that, but I'm not, at this point, qualified to really go into it in detail because I haven't studied it, and from my understanding, it was basically a draft. We had general discussions, but they were generalities.

Ed Meehan: One of the things that Art and I talked about, and the Commission talked about as a body back in July, they are hard to identify. Some of these are flexible, they come in, they go out, and what do we do with the violators that violate the ordinance, almost like scofflaws. They commit a violation and a sign, a use or an activity for twenty-four hours, and then they clean it up. We don't really have any recourse right now. The notice process that the Zoning Enforcement Officer has to go through, under the citation process, with the notice, the seventy-two hours, the re-inspection, it's very cumbersome, and we mentioned before about a ticket process. I haven't seen the draft either, I know that it is in the works, and maybe there might be something in there, but we have one business on the Berlin Turnpike that you recall back in July that despite what this Commission denied, went ahead and did it anyway, and then by Monday, everything was done, but other than a slap on the wrist, there's no way in the ordinance right now to issue a ticket, or even a notice of violation, so I don't know if that requires research, changing our ordinance, or whether it might be covered in this new property maintenance code that the Town Attorney has.

Chairman Pruet: Yeah, what I was hoping was that when it gets submitted to the Town Manager that hopefully you and Art have your input on it when it goes to the Town Council or before so we can get some more teeth to do something like this.

Ed Meehan: If we had that, these people who sort of re-cycle through here, and a lot of them are signs, a lot are motor vehicles, if they did get a ticket that cost them seventy-five bucks, they may think twice, but they know the game. They know that they can take out, and put in, and it's very frustrating.

Chairman Pruet: Perhaps this new ordinance will help this correct this, I hope.

Commissioner Aieta: It didn't sound to me when our Town Attorney was explaining it that that was a part of it. It sounds more like a blight, like people's lawns are too high, they have some junk in the yard, things like that, I don't think it addresses this. We've talked about this, trying to come up with a system similar to West Hartford's, where they issue a ticket, like a parking ticket, violators. They issue it right away.

Commissioner Pane: Maybe we need two different systems, one for blight, and one for zoning enforcement.

Commissioner Aieta: Yeah, I don't think he's covering our needs in this blight ordinance. I don't think you are going to see, when it is all said and done, that he's going to incorporate where Art would have the authority to ticket people. I don't think it is going to come out that way.

Commissioner Pane: For him to be able to hand out tickets, we'd have to change the town ordinance?

Ed Meehan: I think you would have to change the citation process and that's is where we are going to need the Town Attorney too. Do we have the statutory authority to change it? Under Statute 8-147, the general municipal statute, and that is the citation ordinance for

many communities that was adopted back in the nineties are using in lieu of the cease and desist process and going to Superior Court. The citation process, with local hearing officers would be quicker and more beneficial, but it's all the baggage up front. Three days, two days, all this other stuff, it would have to be an intermittent public safety issue.

Commissioner Pane: How does West Hartford do it?

Ed Meehan; West Hartford has a ticket system, and I understand from, and Art can probably explain this better than I can, West Hartford has a home rule act. They don't have to operate necessarily under the general statutes as far as 8-124 and the zoning statutes, and they may have more authority, and that is something that we should look into. I think we've got the forms and the tickets.

Art Hanke: We have the forms, and I researched West Hartford.

Commissioner Pane: Mr. Chairman, I'd like to put this on our agenda and get it looked at and get this taken care of as soon as possible. Art has probably been waiting for this for a long time and I think we should address it, because we need a separate ticket system for his enforcement, and then that way, whatever he does, he'll have more of a bite. I think he will be able to control it better.

Chairman Pruet: Okay, we'll put that on our agenda for discussion and for support for our Zoning Officer to help clean up some of the problems. Any questions for Art?

Commissioner Pane: I still have a couple of questions, Mr. Chairman. So the service request under the second line, what is that again?

Art Hanke: That is where someone requested like, on the c.o. inspection, or they requested that I look at it, not sure if it was in compliance.

Commissioner Pane: And then a complaint description is just a general complaint that came in from somebody, and then a CEO complaint description is something that you went around, you noticed something while you were driving.

A few of these don't have the businesses on them, like after the address. Does that mean that they were residential?

Art Hanke: Yeah, like, they were residential. If it was a business involved, it's noted.

Commissioner Pane: Then on number fourteen, 44 East Cedar Street, complaint came in, utilization of a garage as an apartment, and then you checked the files, inspected site, with the Health Officer, determined status of apartment, and informed owner permits were required and outcome is, owner applied for the permits. I didn't know that somebody could have an apartment in the garage.

Art Hanke: Well, here's what basically happened. There was a complaint from a former tenant. This garage was converted years and years ago, to an apartment. The assessor's records had it as an apartment, however, there was extensive remodeling done and when the tenant was evicted, she filed a complaint, and that is when I investigated. I went there with the Health Officer because she made assertions as far as the health conditions also, so we covered both of them, and what happened was that I discovered that this apartment had been there for a while, so that still doesn't exempt the individual from the remodeling he had done, so I told him, you have to come in, you have to apply for all your permits, and then you are going to have to make a decision after we walk through it, you will make a decision



whether, we'll decide the number of violations that are there, and then you will have to make a decision whether you are going to pursue it, or abandon it. Now, he has a choice at this point. If he feels that the laundry list is too long, he could just abandon it and go back to the previous status, or he could come up to compliance in all other aspects and still utilize it as an apartment.

Commissioner Pane: Number 22, 985 Main Street, there was an A-frame sign, you don't happen to know what business that was?

Art Hanke: Mo-Jo. That was one that I slipped on.

Commissioner Pane: No problem. The other question that I have is, on weekends there is about two businesses that I know of, that know that you are not around, and they put their signs out, and then comes Monday morning, they're down. I'm sure you are aware of the one or two that are out there that do this every weekend. Do you have any suggestions that, how we can address that, or have you addressed that with, one of them that comes to mind is the Kitchen Place on, EPPCO pipe there, top floor, kitchen whatever. What's it called?

Ed Meehan: Express.

Commissioner Pane: Kitchen Express, every weekend they put their flags out there and.....

Art Hanke: Well, this is a problem, but they know the schedule.....

Commissioner Pane: Have you ever addressed them?

Art Hanke: Oh, I've sent them notices before, but sometimes they slip. I sometimes catch them on a Monday morning, their timing is just a little off, but I have experienced that, and people on the turnpike know that, okay, no town official is working, or it's a holiday, and we put them up. I mean, it's pretty hard to police something like that because you have to have, to write a violation, you have to have knowledge of it, you have to see it because you are going to be going to court to testify to that if it goes that far.

Commissioner Pane: Out of the two that do this every week, did you have others that do this?

Art Hanke: Periodically you will find, there are two or three of them that do it, you know, they sneak it out when they think they can, or if they figure that you are on vacation or it's a long holiday, you know, it's part of a cat and mouse game that, that's why you have to, I have to go to the turnpike every day to just see if we have something like this.

Commissioner Pane: You mentioned that you go to the turnpike every day.

Art Hanke: Almost every day. I mean, I couldn't swear, some days I'm too busy....

Commissioner Pane: No, I wouldn't expect you to go there every day, but at least a couple of times a week you do a drive through there, the whole area.

Art Hanke: At least twice a week would certainly be a fair estimate.

Commissioner Pane: Thank you very much.

Chairman Pruet: Any other questions or comments for our Zoning Officer? Well, maybe what you could do Art is get together with Ed and then maybe get some ideas from you that would either help us to help you as we go forward when we bring this up on our agenda, so anything we can do to help you. I appreciate you coming in and the report looks good. It's a lot easier to understand since it was revised.

Art Hanke: I was just hoping that it would be clear so you wouldn't have to waste a lot of time looking, you could see it at a glance.

### **OLD BUSINESS**

- B. Petition 32-10 - 55 East Cedar Street Wayne Francis owner and applicant P.O. Box 4572 Hartford, CT 06147, contact Alan Bongiovanni BGI Land Surveyors, 170 Pane Road Newington, CT 06111 request for Site Plan Modification (Residential to Office Use) B-TC Zone District. Sixty-five day decision period ends November 11, 2010.**

Commissioner Pane moved that Petition 32-10 - 55 East Cedar Street Wayne Francis owner and applicant P.O. Box 4572 Hartford, CT 06147, contact Alan Bongiovanni BGI Land Surveyors, 170 Pane Road Newington, CT 06111 request for Site Plan Modification (Residential to Office Use) B-TC Zone District be approved based on the plan prepared by BGI Land Surveyors revised dated 1-05-2010, scale 1"=20' showing a shared 10 foot driveway access easement in favor of 55 East Cedar Street on the abutting property at 59 East Cedar Street.

The modifications shown on this plan: (1) parking space striping; (2) handicapped ramp shall be completed within thirty (30) days of this approval; (3) Special Exception Sign Permit, Section 6.2.4 shall be submitted to the Commission within thirty (30) days of this approval or the existing sign shall be removed within thirty (30) days of this approval.

The motion was seconded by Commissioner Schatz. The vote was in favor of the motion, with six voting YES and one abstention (Hall).

### **C. Discussion of possible Zone Amendments for consideration, continued from September 7, 2010 Special Meeting.**

Chairman Pruet: This is for discussion. I've asked Ed to address some proposed language that we can discuss under this portion of it. The first one would be Section 3.15.4 Drive Through Restaurants by Special Exception.

#### **1. Section 3.15.4 Drive Through Restaurant by Special Exception**

Ed Meehan: Just a couple pages into the document entitled Draft One, 9-22-10. The proposed language all in bold would be new, as the Chairman read, it's Section 3.15.4. Essentially this is the language that was in the Zoning Regulations in 2007 and as we discussed at our special meeting a couple of weeks back, I gave you some history on that. This language basically was carried in the regulations from about '98 to 2007. It was put into the regulations back in '98 after a sub-committee of this Commission worked on bringing drive throughs back at the request of the business community. They felt they had a couple of good standards that gave them and the neighbors that were going to be living with these uses a chance to look at traffic impact on the site and nearby, that would be A; B would be where would these locate, particularly on corner intersections where you could have multiple curb cuts and some way of controlling driveways and curb cuts or internal roadway systems,

which is listed under B; C is to again limit confusion on a site where you have some franchise we saw back then in some of their designs, actually have drive through windows on both sides, and from what I see, and I've been to some of these, it's confusing on the site if you haven't got a large site to control internal traffic. Then D, based on your conversation at the last meeting, I tightened it up, or maybe clarified it, the measurement of the drive through service window to the adjacent residential structures. Before it was just the drive through to adjacent residential properties. Now, is that measured from the perimeter of the commercial site to the perimeter of the residential site, is it measured from the perimeter of the commercial to the residential structure, so this tries to give us two points that we can pick on a plan and determine that three hundred foot distance. The item that I dropped out of here was the discussion on the design standards for impervious surface green space, which was set at sixty percent and the few, I think you only had two, petitions for drive throughs, we felt that was very difficult to achieve, and there are other standards in the regulations on green space and set backs that will give the Commission in that area at least twenty five to maybe up to thirty percent impervious surface, if it's applied with your front yard setbacks and your side yard and your ten percent parking areas, so I think that you can probably handle that pretty well. So this would be again a policy decision, the Commission finding that after study and given the characteristics of the, this is the PD Zone now, of the highway, the PD Zone and the Berlin Turnpike Zone, want to bring these back. We know that we have a lot of them already, I won't say a lot, that's a judgment. You have drive throughs already. They've come into town under various regulations over the last probably thirty or forty years, and McDonald's is an example of a site that has probably been rebuilt a couple of times and most substantially the current McDonald's is completely torn down and rebuilt under these regulations that were in effect back in 2007.

Chairman Pruet: Okay, thank you. Commissioner comments on this? We've been discussing this now for several meetings and Ed put together a nice draft from our comments.

Commissioner Camerota: Under D, it says service window, what about a situation where you have a service window that is located on a different side of the building, or quite a distance from the speaker where you actually order?

Ed Meehan: That could be a situation, because a lot of the newer ones, the speaker menu board is.....

Commissioner Camerota: The Dunkin Donuts is like that, it's closer to the condos than the window, actually.

Chairman Pruet: Twenty feet away, or thirty feet away.

Ed Meehan: They haven't figured out how many cars can stack up before they get to the window where they deliver the food.

Commissioner Camerota: That can actually be more distracting than the actual window.

Ed Meehan: The noise from the speakers, yeah.

Commissioner Camerota: Definitely, which I think was the complaint from the old McDonald's, people didn't like that.

Commissioner Aieta: Maybe we should take the restaurant drive through service window and speaker system.....

Commissioner Pane: Order window.

Ed Meehan: Order menu board

Commissioner Aieta: Order menu board shall be located not less than.....maybe that would tighten it up a little bit so that they don't have it right next to the residence. That's the one that we would have the problem with. Wasn't there a, didn't someone complain that they could hear the people speaking into the thing?

Commissioner Camerota: I thought McDonald's had a lot of complaints.

Ed Meehan: McDonald's, and then the newer Dunkin Donuts next to.....

Commissioner Hall: USA Motel. The board is right in the back and it goes right over the hill.

Chairman Pruet: In case one comes in without an intercom system, probably put and/or, maybe.

Commissioner Anest: I was thinking we could do, which ever is, however you want to word it, closest to the residential.

Ed Meehan: Let me work on that, so it would either be service window or the....

Chairman Pruet: Order board, intercom system....

Ed Meehan: Okay. The other thing is, this is also for walk-up service or service to cars.

Commissioner Anest: Sonic, or something.

Chairman Pruet: Other comments on this?

Commissioner Pane: Mr. Chairman, since we just received this tonight, I'd like to thoroughly read it and I would also like to review the minutes of the 2007, which I have, but I want to re-read them again, so I'd like to reserve my comments for the next meeting.

Chairman Pruet: Very good. Any other comments? Okay, we have this draft, we can take a look at it, add or delete from it, we can discuss it at the next meeting. Also too, we are not going to be voting on something like this because we have to go out to the public, right Ed?

Ed Meehan: You need to go public hearing process.

Chairman Pruet: So we can have our own draft and present it to the public and take it from there.

## **2. Section 6.2.1 (f) Signs Temporary Permit**

Ed Meehan: Again, the language to be proposed to be deleted has the strike out line though it, proposed new language is in bold. The thought here was to first make the issuance of the permit for temporary signs a little bit smoother, straightforward, eliminate the ten consecutive days, make the language easier to interpret, so it is up to twenty days for a business that wants to do a special advertising for sales events, or holiday events.

Commissioner Pane: I thought those were for new businesses.

Ed Meehan: Twenty-five days for, so that is for existing businesses, it used to be twenty days per calendar year, not more than ten consecutive days so the suggestion is, take out the ten consecutive days, they want to use all their twenty days at once, from January 1<sup>st</sup> to January 20<sup>th</sup>, they can, it's up to them. Twenty-five days, I'm sorry. Then for new businesses, first time coming to town, or relocating in town, the business is growing, they are moving to a new location, a promotional welcome up to twenty days. I tried to clarify a little bit what type of signs the Commission expects to see when this is done, and that's where the language on, they don't want to see rotating, flashing, digital signs, signs in particular on the back of trailers, pulled out to the edge of the road. If the sign is determined to be a hazard, like one of these flag signs or banner signs that is waving, the zoning officer can remove it.

Commissioner Pane: So it would eliminate all pennants, banners.....

Ed Meehan: No, they can do those, I took those out because I thought that might have been a little bit restrictive just to say temporary permits for only banners or pennants and sometimes they do just a regular ground sign. The pennants are those streamer things.

Commissioner Pane: Yeah, so those will be allowed, you're saying?

Ed Meehan: Yes.

Commissioner Pane: They're just not listed.

Commissioner Aieta: If they're not listed, then they are not allowed.

Commissioner Anest: No, but the way that it was worded before it sounded like you could only get a temporary permit for banners or pennants sign. You couldn't get a standing sign. You're just saying, any type of sign.

Ed Meehan: Yes, as long as it is safe.

Commissioner Pane: I think we need a little more clarification on the pennants and the banners and such.

Commissioner Aieta: Ed, when you take it out, doesn't that, when you strike out pennants, banners and balloons, then it's not permitted.

Commissioner Hall: No, that's not what it says.

Commissionrr Pane: If it's not in our regulations.....

Commissioner Aieta: A sign advertising a special sale event, may be issued by the Zoning Enforcement Officer, a temporary sign, but we haven't defined what a sign is. Is a balloon a sign, is a banner a sign, is a pennant a sign?

Commissioner Pane: Right. And if it's not listed in our regulations, then it's not allowed, by our regulations, so we have to be a little bit more clear on this.

Commissioner Aieta: I don't know if you even want to do that. Pennants, and, I don't know.

Ed Meehan: Unless you want to say, temporary permits for signs, such as, and give three or four examples, not limited to.....These businesses are very innovative, and they can come up with some.....

Commissioner Aieta: They could come up with some real goofy stuff.

Ed Meehan: We have a list, Dunkin' Donuts, Oreck had one out the other day, they had this, whips back and forth, when the cars go by. The newer ones now are the same design, but they have some sort of reflective material that makes it look like it's on fire, or something.

Commissioner Anest: They have the inflatables too, that they put up.

Ed Meehan: We've had problems with a couple of inflatables. One guy had a gorilla on top of Blimpies when they first came to Newington, and it ended up taking all of the wires down across the street, because they didn't properly anchor it.

Chairman Pruet: So, you think it should be more restrictive or more pertinent to what they can have, or, what's your opinion?

Commissioner Anest: I think you could even take out, and just put temporary permits for advertising a special sale event, if you really want to make it broad, and then you aren't saying anything.

Commissioner Pane: Then you are going to be leaving it up to the Zoning Enforcement Officer and it won't be up to this Commission.

Commissioner Aieta: I think you have to be specific in what you want, otherwise you will end up getting like your gorillas and the blimps that are two hundred feet in the air.

Ed Meehan: There is a lot of the cold air inflatable stuff that they use. We've even had some problems with people dressed up as signs. If you remember when Circuit City was going out of business, they had guys out there with signs.....

Commissioner Camerota: Didn't Blockbuster do that?

Ed Meehan: Luckily the police backed us up, because they were in dangerous spots.

Chairman Pruet: Bernie's too, when they were going out of business.  
So is the consensus maybe to be more specific on this, or.....

Commissioner Pane: I think we should, and I think as a Commission we should review this on ourselves. Everybody should think about this, then come up, next meeting with what we, everybody should think about whether or not we want to allow banners, pennants, what we want to allow and what we don't want to allow, and make this a little bit more clear.

Chairman Pruet: It would help you out too, Ed.

Ed Meehan: Well, it would help the Zoning Enforcement Officer because he could then point to the regulations if a guy comes in and has got a particular sign that the Commission didn't intend this type of sign. That's your decision, that's your guidance.

Chairman Pruet: Okay, let's come back next week, and maybe Ed will have some more, and Commissioners and we can clarify Section F here.

Commissioner Anest: Is there something that we can put in the regs about the home improvement signs after somebody completes a project on a home, sometimes signs are left up four to six weeks after the roof is put on, or whatever.

Ed Meehan: Well, that's up in the air about the ground sign advertising business, the contractor holding a bonafide building permit.

Commissioner Camerota: Maybe it could be similar, an home improvement contractor.

Commissioner Aieta: Well, that's what this means.

Ed Meehan: Yeah, a guy putting a roof on, or whatever.

Commissioner Camerota: Which one was that?

Commissioner Anest: Under E.

Ed Meehan: Just for the duration of the construction.

Commissioner Anest: Yeah, but they could say they are still doing work on the house, six weeks later....

Commissioner Hall: And sometimes they are.

Commissioner Anest: Well, yeah, we know that.

Ed Meehan: I played with this, and tied it to a c.o. and not all of the times do you get a c.o.

Commissioner Anest: I mean, there is one on Main Street that has been up there for ever and ever and ever. Matter of fact, it is falling down.

Ed Meehan: Is that the one that is in the truck once in a while?

Commissioner Anest: No, diagonally across the street, and then, is there something that we can do about signage like, at the Dog House, the sign in the back of the truck? Is there something we can do about that?

Ed Meehan: I tried a couple, is it on the truck, is it attached to the truck, is it lettering on the truck.....

Commissioner Pane: Art just took care of one that was in the truck, so.....

Commissioner Anest: The Dog House.

Ed Meehan: Yeah, on Willard.

Commissioner Pane: That's not the one he did, no, he did the salon.

Ed Meehan: He did both of them.

Commissioner Pane: If it's just lettering on the truck, then he can't do anything about it.

Commissioner Anest: No, this is a physical wooden sign in the bed of the truck.

Commissioner Pane: And Art is addressing that right now.

Commissioner Anest: Right, but maybe we should have something, just to back him up.

Ed Meehan: Well, we say it is additional square footage, an illegal parking space, that particular business on Willard has been cooperative.

Commissioner Anest: No, they're in a bad spot anyhow, but, what's good for one business, one business sees somebody doing it and getting away with it, then it just starts snowballing.

### **3. 2020 POCD Strategies for Zone Regulation Consideration**

Ed Meehan: This was suggested at your last board session, is to start looking at the Plan of Conservation and Development, the new Plan, so I started to go through, and there is a lot, a lot of strategies in this Plan. So, rather than giving everybody too much the first night I went through by Chapter, and the front end of the Plan, as you recall is Open Space and Natural Resources. And here are some of the areas that I gleaned out where you might be able to, and perhaps should carry from the Plan into your Zoning Regulations some requirements to achieve an objective or a policy in your plan. I didn't give specific language yet, I wanted to give you some time to look at this, but the first one is a good example. We talk about erosion control maintenance. We have erosion control standards but they only come through when you have a site plan, a commercial site plan or a residential sub-division. A lot of development goes on in individual lots that in Section 7 where you, where the Zoning Officer issues a zoning permit, we think if we had some erosion control standards or references in that section, as these homes get built on smaller lots and close to neighbors, that we have some standards in place to protect during the development process. That's one example. Other examples in here would be the impervious coverage under Section 6.10, Green Space and Buffers, we talk about not more than ten percent. That would be an area where you could increase your green space, not only just for side yards and part of parking lots, but other parts of the site and then we spent a lot of time in the Plan of Development process talking about the protection of slopes and ridgelines. There are three or four sections here I suggest where that could be put in. It would be coincidental with other cultural features like flood plain and wetlands. We would introduce references to fifteen percent slope and one of the best standards I think is to, in the density area, is to when you have a consolidated area of fifteen percent slope, is, if the Commission wants to make this policy decision, is that that fifteen percent slope cannot be counted as part of the density calculation. We do that now with inland wetlands and flood plain. So that works sometimes. Along Old Highway, or other parts of the greenway trail system, there could be a possibility again in Section 6.10 where we have the buffering, could put in there a standard for a little bit wider setbacks. So the greenway, there are four greenways in Newington, those are protected. Community assets again is the maintenance of slopes, the protection of slopes, character, we did talk about transit oriented uses, I left the language that is in the Plan now when the stations are established, this would be both bus and rail, there has already been a lot of work done on this, the model regulations. When the time is right, the Commission can look at and tailor them for what you want for Newington. Most of the regulations focus on mixed use development and design review controls. There are issues then with height and density which each community should look at. Again, Section 6.10 for wider separation of buffers in commercial zones, we have a certain, this could be done for all commercial zones. In the regulations now, it says that all commercial zones have to meet the standards of Section 6.10. For typical retail, commercial uses, is twenty-five feet between the buffer strip, the landscaped strip to the residential property. The Commission can waive that by a two thirds vote. You could increase that, it's going to create a lot of non-conforming, but it will tighten up your regulations, or you could just zero in on particular uses that you may feel are problems. Example, if you bring back auto related uses, maybe you look at the separation distance for auto related uses, or fast food places, we just talked about that. You are looking at the three hundred feet. Not as a buffer area, but as an area of impact.



Then the last chapter, going through the first five was the Business Town Center, and in that section we talked about a design development district for Hartford Hospital property, all that land east of Constance Leigh Drive. That will be an important set of zoning regulations that you could base on the Village District statute, which is what we have in the Business Town Center Zone. Under that statute you can set architectural review design guidelines, but I would hold off on that, I think, until Hartford Hospital comes forward and they have a master plan for that piece, then I would work with them on zoning regulations. The two biggest problems for that twenty-two acres are going to be traffic, because all of the traffic is generated out to Cedar and Constance Leigh, or out to Genova Drive, the traffic light there, and drainage. All of that storm drainage is either going to end up in a very shallow system going under Cedar Street north behind Edmund and Ellsworth and up to Connecticut Avenue where there is a limited drainage system right now, or some of it will go south around the back the old Food Mart, so there needs to be some on-site retention of drainage in any master plan that is developed for that property. There was some master plan work done when Hartford Hospital took it over from Newington Children's Hospital. Bob Donald, who was the former planning consultant for Newington did some concept plans, and he met with me a couple of times and we keep coming up with this problem of traffic on Cedar Street. You put a densely developed mixed use project on that twenty-two acres, it's going to generate a lot of trips and it's going to really affect those two traffic signals at Genova and Constance Leigh Drive. So that has to be looked at. Then, as far as parking standards, when the town center Village District was adopted a couple of years ago, the parking standards for the center were pretty well, I think I'll call them liberalized, because we changed the restriction requirement of like five spaces per thousand, or seven spaces per thousand, for some uses, down to three and a half, and four and a half spaces, the carrot being, if you met the architectural guidelines, then you got a better parking count. I don't know what more we can do in that area, in the town center anyway, but in other business districts, we're seeing this everywhere, not just in Newington but around the country, is the urban land uses of five and seven spaces per thousand is just too much parking. Too much black top in parking lots. I mean a good example I think in Newington are the out parcels of Appleby's and TGIFridays where through observation, we didn't need the parking lot, so they could build those areas out, and I don't think it has made a big impact on the parking, so that is where we may want to look at that. I can keep going through, give you the next sections, and give you a working list.

Chairman Pruet: Well, I'll cross it out here, this is the first five chapters if I'm not mistaken, and we can open it for discussion now too, but rather than take on too much, and you want to continue, I think at our next meeting, discuss those even more, get a change to review them, look at them, and then I'd like to take them piece meal like we did with the five or six chapters at a time, thoroughly discuss it, and then see what we come up with. I know that you had a lot of concerns, and we will get to them as we go through them. Okay, so we have homework to do, which is good. I'm very pleased so far the first three things we looked at here, we are making some progress. That's what we are here for, to take a look at the regulations, see if we can improve upon them, and for the betterment of Newington.

VII. **PETITIONS FOR SCHEDULING** (TPZ October 13, 2010 and October 27, 2010.)

- A. PETITION 33-10 - Zoning regulations Section 3.19 Special Exceptions permitted in the PD Planned Development Zone amend to add Section 3.19.4 Auto related uses such as, service and repair of motor vehicles by Special Exception. Subject to compliance with Section 6.11 and 5.2 of these regulations. Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square Newington, CT 06111. Referral to Capital Region Council of Governments and Central Connecticut Regional Planning Agency required.

- B. PETITION 34-10 555 Willard Avenue Newington VA property, Women's Institute Realty – CT attention Betsy Crum, 62 Washington Street Middletown CT 06457 applicant, U.S. Department of Veterans Affairs – CT owner, request for site plan approval development of 74 housing units for veterans PL (Public Land Zone) Schedule for presentation October 13, 2010.

Ed Meehan: This first one is a petition from a private petitioner, so it has to be scheduled in sixty-five days of receipt, and this again is for the auto related use to come back in. I think I would recommend that you wait to schedule this until your town attorney gets back to you on the couple of matters that he is going to look into, and then, depending on what Mr. Ancona reports to you, schedule this out at the back end of the sixty-five days.

The second item, the VA project, I was notified by the consultant this afternoon, they have not finished all of their drainage work, and they want to come in with a complete set of plans, so they just started to do some of their on-site drainage assessment there with the project engineer, and they have asked if they can push that to the 27<sup>th</sup> of October. So that is that, right not. There are no other projects right now in the pipe line, none, and I would suggest, with your indulgence, we keep working on the zoning amendment as part of your regular meeting.

Chairman Pruet: Okay, rather than coming in earlier.

Ed Meehan: Yeah.

Chairman Pruet: It's a light schedule, and that is why we did it for tonight.

#### **VIII. PUBLIC PARTICIPATION**

(For items not listed on agenda)

Rose Lyons, 46 Elton Drive: Just a curiosity question, because I go to several different meetings and I know there are all different ways of having public participation. I'm just curious, and I don't expect you to answer this right now, maybe after the meeting or something, why it is that on public participation relative to items not listed on the agenda, I find sitting here and listening to what is going on, that I may have some questions, and then at the end of the meeting, you can't ask a question. I guess I would have to bring it to the next meeting?

Just noting, I did look up the Zoning Enforcement Report on the computer, and as of the last meeting, just June was on the web site, and then last week July was on the web site, and since it's the end of September, I wouldn't expect September to be on it, but I thought perhaps August would be on there. So those are just a couple of things that I wanted to know, the public participation, and why it is just for non-agenda. Thank you.

Chairman Pruet: Okay, we can discuss that. Ed, do you have any thoughts on that?

Ed Meehan: One of the reasons is the Commission, Zoning Commissions and Planning Commissions operate a little bit different than like Town Council so you could have a public hearing item that is on your agenda, and it is more appropriate to take the comments for that under the body of the public hearing, where the petitioner can rebut, or respond. It's in the body of the public hearing. For site plans, where there is no public hearing, you don't take public input, so I think that is why it has always been listed this way. It's to keep your discussions limited to those items that don't require a regulatory decision by the Commission.

Chairman Pruet: Rose, does that make sense to you?

Rose Lyons: Yes and No.

Chairman Pruet: Because of the format of the nature of the business.

Rose Lyons: Like the VA, I know that there is probably not anything that anybody is going to have any input to, because from what I'm gathering, it's just a rubber stamp kind of thing, they are going to say what they are going to do, and so forth and so on, but I think the public may have something to say, or may want to see, I don't know.

Chairman Pruet: I believe that they are going to the Town Council too.

Commissioner Anest: I kind of understand where she is going, because when we were talking, under Old Business, about the drive throughs and the signs, I know we are having a public hearing on those, but how does that work when it is under Old Business? We don't have public hearings under Old Business.

Ed Meehan: Well, we talked about this in your special meeting before, if you get into this, maybe I can talk to the Chairman about this, and we can put it on the agenda, as you talk about different sections of your zoning regulations, maybe for that area of your agenda, you invite public participation. That's a good chance to get input very early into the process, before the public hearing.

Commissioner Anest: Right, because if we were having special meetings on this, then they would have public participation, just like our 2020 Plan.

Ed Meehan: Exactly, because you had public hearings at both ends of your 2020 Plan.

Commissioner Anest: Right, so I think we need to do something for a little more discussion on this.

Chairman Pruet: Anybody else from the public?

## **IX. REMARKS BY COMMISSIONERS**

Commissioner Aieta: Just a follow up on something that we talked about a couple of meetings ago. We talked about the vendor, vendors, the street vendors and you were going to get something to the Council, a letter to the Council and I haven't seen anything done, but on the other hand, we had talked as a Commission and I thought we had a consensus that we were going to do something with that and probably ask that it be prohibited in the future when it came up in January for renewal.

Chairman Pruet: We have some comments on that.

Commissioner Aieta: Okay, good.

Ed Meehan: The Chairman asked me to again look into this. Back in July after the Commission discussed the specific issue on Masselli and the bigger town wide issue, a memo was sent to the Town Manager requesting that consideration be given to changing the town ordinance, and I got a letter back, a memo back from Mr. Salamone saying when I was ready I could come in and talk to him about it. So, as Dave said, be ready with something and I said, I have something in mind, a position that I have suggested for many years and I don't know if the Commission supports this, I'll pass this around. It's basically prohibiting street vending. Personally, I don't know if it benefits the public that much and it may not be

detrimental to the businesses that are here that are stationary and fixed and meet all the codes and requirements, so what I have just put in long hand there was, this is the solicitors and peddling ordinance which street vendors come in under. They go to the Police Department, they get their permit to sell hot dogs, or coffee wagon or whatever they do, and what I was suggesting here is basically, peddling of merchandise and food vending within the public right of way is prohibited except when conducted as part of a town sponsored event. So, Memorial Day parade, or some other event, you could have some vendors at that, or for the Special Events under chapter 361, and those are the ones that by town ordinance, your Chamber of Commerce Car Show, the Waterfall Festival, Extravaganza, Relay for Life, things like that, those are special events. They may be appropriate for some sort of vending. But, other than that, the six or seven spots that were identified long ago around town would be eliminated, and then, the problem that we frequently have, particularly with merchandise vending, they just show up. I'm not even sure that they get a permit from the Police Department, but they camp up on a corner and if it's town property, we can shag them out of there, if it's a state right of way, the Zoning Officer tells them they are causing a traffic problem and get the police to back us up, or we call District One, and get them to move out, but I think it would be stronger if it was in your ordinance. So, I'm not sure what your feeling is on this, if you think that outright prohibition is too restrictive or what.

Commissioner Aieta: With that language you would be restrictive in the public street or right of way, I don't think this is so detrimental. I've seen them where they have the hot dog carts on private property and they have permission from the private property owners to have their carts and stuff. There's one right now at Atlas Tile, he's there every day, he's off the thing, there's parking there, I see a lot of people frequent this guy with his hot dog stand, I drive by there all the time at lunch, and you know.....

Ed Meehan: It's Wethersfield.

Commissioner Aieta: It's Wethersfield, but this isn't saying they can't have them, they have to make arrangements with a private property owner and then it's off, the dangers of having it in the right of way, or in the middle of the street are negated because you know, you would have it on someone's property.

Ed Meehan: Well, they could come in for a special, if they are going to sell hot dogs on somebody's property, or whatever, like the place in front of Lowe's for a while, they have to come back here for a special permit for a restaurant.

Commissioner Aieta: I don't know how Wethersfield does it.

Commissioner Pane: So it's possible that this Commission could grant that, like we granted Lowe's or Home Depot or you know, they have that type of thing at the property, so it is possible.

Ed Meehan: Stew Leonard's once in a while used to, when they first opened, they used to do a special sale, of meat products around Memorial Day, and I actually think they were giving away hot dogs and stuff as you walked through the foyer there, and they used to get a food permit. We didn't treat that as a vendor.

Commissioner Aieta: No, they are on their own site, in their own building. I'd like to hear from the other Commissioners to see if this is too harsh.....

Chairman Pruet: I like it. I think it's appropriate because I think it protects the existing business, it promotes safety, I think it's a very good amendment, that's my personal opinion.

Commissioner Pane: I agree with you Mr. Chairman. I think it's appropriate. I think this Commission should present this to the Town Council though, and if they don't agree with this, I think there should be a backup where, fine, if you don't agree with this, the one on Masselli Road we have already agreed is just not safe there, and per the asterisk that was on the paperwork there, that one had to be removed and that one shouldn't be renewed in December and then a backup plan would be to only approve these following locations we feel after twenty years, we've reviewed these, and these would be the only ones that are safe. But, our first recommendation to the Council because of this reason, this reason, this reason, would be to prohibit them completely, but I think this should all be brought to the Town Council so that we can explain it to the Town Council. Thank you.

Commissioner Aieta: I don't think that the Council has to say if they agree if they have to do it, they should do in on the anniversary of the renewal of the license which would be in January. You know, they don't have to say next week, okay you can't be here. They would have enough time to say, when the renewal time comes up they won't be allowed any more. People know that the renewal time is in, it's in January, right Ed?

Ed Meehan: It expires the end of December.

Commissioner Anest: So as of 1/1, there would no longer be any vendors. You make it effective that date.

Chairman Pruett: So if we are unanimous in that, does everybody agree with that?

Commissioner Hall: Well, I just think of the little guy over on Constance Leigh who really isn't in anybody's way, and really did have a pretty good little business for himself there, and I think to be so draconian to say absolutely no, is a little harsh. I think if we have a problem with something like the Masselli Road thing, you deal with that, but to throw out the baby with the bath water on this one I think is a little tough.

Commissioner Pane: You could also treat the two existing ones as a grandfather clause, and not allow any new ones, and grandfather him in over at Constance Leigh and tell the Masselli Road one, look, we are going to grandfather you but you have to go to one of these other locations, and only these two would be allowed, and once those two businesses cease, then there would be no new ones, and there would be no more than two. I think that would be a fairer thing to do with the two existing businesses.

Commissioner Aieta: I think that would be probably, we shouldn't just go to the Council and say, we should go to the Council and say, these are the locations that we feel are, after review, we should give them a couple, two or three, if there are locations on that memo now, but some of them aren't, are like, like there was one on Fenn Road that was where Spin Cycle is.....

Ed Meehan: We took that off.

Commissioner Aieta: There are still other locations. There's Stamm Road, which is a cul-de-sac, there's Holmes Road which is a cul-de-sac, North Mountain Road.

Ed Meehan: They are purposely located in the industrial park areas.

Chairman Pruett: I like the idea about the grandfathered. Protect them...

Commissioner Aieta: What do you think about that, Cathy?

Commissioner Hall: Better. I just think to, because when you sit here and listen to us, on one hand we're trying to bring back business opportunities for people, and with the other hand, these little guys that have a business going, we're just slapping them along side the head, and saying, no not you, but, are we pro business or not?

Chairman Pruet: It protects the two existing businesses and protects the businesses that are paying taxes, property taxes, etc., when they are selling their hot dogs or whatever.

Commissioner Pane: The important thing is to put this all together in a package and I think the Commission should present this to the Council.

Commissioner Lenares: I just think what Dom said is a pretty good idea and I think that first and foremost it's very good that we are being proactive with this, because of the situation on Masselli, not so much Constance Leigh, that if something ever happened, we would have said you know, we should have acted on this. I think it's good that it is moving forward and we're being pro-active, rather than reactive to this.

Commissioner Aieta: Just a couple of things that I want to put on the record. There was a memo back from the Chief of Police that said that there was never any complaints on this particular piece of property. Well, the record is, that is a false statement. The record is there, in the Police Department where there is action by the police where officers were sent to that site on several occasions and it resulted in the officers making a report back to the Chief that said that this was an unsafe condition. So, in that letter where he said that there were no complaints there, that's not a true statement because I know personally that there have been several complaints, and there has been police action down there. There were two officers were sent, or three officers were sent down there on different occasions to talk to and try to work something out with this guy, and the guy doesn't, you know, they wanted him to turn the cart around so that the people don't stand in the middle of the road, they stand on the grass, and he won't even do that. I mean, it's like this guy is dictating to the police what is safe and what is not, and there is a report that is on file in the police department from the officers that investigated that this was an unsafe condition. And then to have the Chief of Police come back and say there was never a complaint, I don't know what town he's living in.

Chairman Pruet: Okay. That's a point. Anything else? So, could we get a consensus that this is what we want to do?

Commissioners: Yes.

Commissioner Schatz: Is something going on with Crest Pontiac?

Ed Meehan: There may still be some environmental investigation going on over there.

Commissioner Schatz: Yeah, I saw the trucks over there.

Ed Meehan: No development activity, just environmental.

Chairman Pruet: I'd like to get some guidance on how we are going to proceed with our discussions on this motor vehicle, Attorney Sabatini, I know we are going to wait until we hear from the Town Attorney to see if he upholds that, but also I'd like to get some kind of feedback input from the Commissioners here on whether we should go ahead and discuss this. I think that was, I think Ben said we could go ahead and do that, how does that, is that something you want to go forward and put on the agenda and start discussing, or do you want to put it on the back burner until we get more information.

Commissioner Schatz: I think we should do what the Attorney says.

Commissioner Aieta: Yeah. I think in lieu, you know, we made the suggestion that we would look at it ourselves as a Commission so that we had the opportunity to change the language and everything, but with the suit over our head, unless that is withdrawn, I don't think it is appropriate that we bring anything forward. I really don't. I think that we should wait until the Attorney comes back, the Town Attorney comes back to us and says, listen, I had discussions with the other attorney, or he had discussions with the attorney and the judge and we have some resolution, and then we could go forward with it. I think to start going through and trying to present stuff now, it's, with that cloud of a lawsuit hanging over our head, I don't think it would be an appropriate time to do it. It doesn't give our attorney, the Town Attorney enough time to pursue discussions with the, Sabatini, or the judge.

Commissioner Camerota: I agree with that, first of all, we may change our minds but I really feel uncomfortable with the situation now, putting it, at least not until next meeting, I would rather.....

Commissioner Aieta: Yeah, we can always put it on, but I think we should wait until we hear what Ben has to say.

Chairman Pruet: It is coming as a Petition, at the end, the sixty-five days gives us some latitude....

Commissioner Aieta: Right, and if he wants, it's still on the agenda at some point in time, if we don't act, it will be put, we will have to hear it and then we will proceed that way.

Commissioner Pane: A couple of items, a couple of meetings ago, someone from the public talked about the public sign, the public hearing signs that we have and suggested them being a little larger or not, I would think that we should put this on for discussion and have our Town Planner look into to see if it would be a big deal to increase the size of those signs and maybe we could put it on the agenda and just talk about it. It was brought up by the public a couple of meetings ago.

The other suggestion that I have is, on our agenda we go Public Participation, then Remarks by Commissioners, Staff Report and then Adjournment. What I would like to do is, I would like to go, Remarks by Commissioners, Staff Report, then Public Participation at the end which would give the public a chance to talk about anything that the Commissioners talked about and/or anything that came under Staff Reports, and it would give the public a chance to talk about those two items at the very end. I think it would be, it would be something that would help the public, and it might help us because there could be something that the public might want to say after we've talked, or the Staff Report comes out, but they have to wait until the following meeting, so I think it would be something that would be beneficial to us as a Commission and beneficial to the public. Thank you.

Commissioner Anest: I think that is a good idea, however, I know sometimes that we do have dialogue with them, but if there is a lot of public participation, how are we going to be able to answer their questions during, like Remarks by Commissioners, or Staff.

Commissioner Aieta: Yeah, the way it is now, if they came up and said something that they wanted us to address, we could address it under Remarks by Commissioners.

Commissioner Pane: Well, you could always have another under, after Public Participation, you could have Remarks by Commissioners, Staff Report, Public Participation, then just for formalities I guess you could still have, Remarks by Commissioners just at the very end, and

then Adjournment. Just in case there was something that you wanted to say to them, but communication between the public sitting in the audience and this table should not be taking place unless they come to the podium and say something and I just want to give everybody a chance to come in and that they have a chance to comment on anything that the Commissioners talk about, or the Staff Report. Usually there are not many questions to be answered, but if there is, we still have the Chairman who could answer or whatever, right after the Public Participation. That doesn't stop the Chairman from answering a question from the public.

Chairman Pruet: Anyone else want to comment on that? Ed, your thoughts on that?

Ed Meehan: Whatever you want to do, it doesn't make any difference.

Chairman Pruet: It sounds like a good way to increase communications like you said Domenic, I think it's a good idea.

Ed Meehan: So it's going to go, Remarks by Commissioners, Staff Report, Public Participation and then Remarks by Commissioners.

Commissioner Anest: Why not make it Remarks by Chairman, let the Chairman respond to the public.

#### **X. STAFF REPORT**

Ed Meehan: These are the final Plan of Conservation and Development, printed. We had a hundred copies of this made, TPZ members get the first fifteen or so, you all get the CDs. I'll make sure that the members who are not here get their copies and CDs, and then I have a package for the Town Council, and other boards and commissions and we will have some at the library and so forth. Job well done guys, it looks really, really good. It's also up on the web.

#### **XI. ADJOURNMENT**

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Pane. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary